



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 28 1974

THE ADMINISTRATOR

Dear Governor Bond:

With great pleasure I am today approving your request to conduct a State permit program pursuant to the provisions of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (the Act). Pursuant to Section 402(c) of the Act, I am suspending, as of this date, the issuance of permits by the Environmental Protection Agency under Section 402(a) of the Act as to discharges in the State of Missouri other than those from agencies and instrumentalities of the Federal Government.

The program that you conduct pursuant to this authority must at all times be in accordance with Section 402 of the Act, all guidelines promulgated pursuant to Section 304(h)(2) of the Act, and the Protocol Working Agreement between the Regional Administrator of Region VII and the Director of the Missouri Department of Natural Resources, which I have also approved today (copy enclosed).

I strongly urge that Missouri make every effort to meet the deadline set in Section 402(k) of the Act that all NPDES permits be issued by December 31, 1974. Meeting the December 31 deadline is important because all facilities discharging without an NPDES permit after that date will be in violation of the Act and possibly subject to severe penalty provisions. Also, issuance of the permits is essential in order to put polluters on a specific clean-up schedule.

You, your staff, and the Missouri Department of Natural Resources are to be commended for your unwavering energy and commitment in supporting and approving this most important State environmental program.

We look forward to working with you and the Missouri Department of Natural Resources to continue the progress you have made towards cleaner water in Missouri's lakes and streams.

Sincerely yours,

/s/ John Quarles

Russell E. Train

Honorable Christopher S. Bond
Governor of Missouri
Jefferson City, Missouri 65101

Enclosure

cc: Mr. James L. Wilson, Director
Missouri Department of Natural Resources

Prepared by: Tim Amsden, Region VII —

bcc: OGC Chron

Reading

EG-338.Reading File/Molloy, Brian

Robert Emmett, EG-338

Regional Administrator, Region VII

Regional Enforcement Director, Region VII

Regional Counsel, Region VII

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PROTOCOL WORKING AGREEMENT
BETWEEN THE
REGIONAL ADMINISTRATOR REGION VII
U.S. ENVIRONMENTAL PROTECTION AGENCY
AND THE
EXECUTIVE SECRETARY OF THE MISSOURI CLEAN WATER
COMMISSION

In accordance with the provisions of Section 402(b) of Public Law 92-500, the State of Missouri has requested State permit program approval and the authority to administer the National Pollutant Discharge Elimination System Program within the State of Missouri. This agreement is to provide a means of initiating and maintaining a viable program while transferring the responsibilities for the conduct of the different phases of the program from the Environmental Protection Agency (EPA) to the State.

The State of Missouri and EPA agree to follow, wherever applicable, Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, and the consistent provisions and procedures specified in 40 CFR 124, titled "State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System".

Federal Enforcement

As provided for in Section 402(i) of the Federal Water Pollution Control Act, the Administrator's approval of the Missouri NPDES permit program and the subsequent issuance of NPDES permits by the Executive Secretary in no way precludes the Administrator from enforcing compliance with EPA guidelines and/or standards by exercising the enforcement authority provisions of the Act. This includes the execution of any effluent compliance monitoring necessary for carrying out these responsibilities.

Existing State Permits

The holding of a State of Missouri Permit for the discharge of pollutants into the waters of the State issued prior to State administration of the NPDES program satisfies neither the filing nor the discharge limitations requirements of the NPDES program. Sources and facilities holding valid operating permits under State law prior to the State receiving the authority to issue NPDES permits shall file, a new application upon expiration of the period for which the annual fee was paid unless such sources and facilities have been issued an NPDES permit by EPA prior to delegation of NPDES authority to the State.

Federal Assistance to the State

The Environmental Protection Agency shall be responsible for keeping the Executive Secretary apprised of the meaning and content of Federal effluent guidelines, effluent standards, regulations, policy decisions, directives and any other factors which affect the NPDES program. In addition, general technical assistance in processing NPDES applications will be made available to the Executive Secretary by the Regional Administrator. Assistance with compliance monitoring will also be available. To assist EPA in fulfilling the State's needs, it is suggested that the Executive Secretary present in each year's State Program Plan a projection of the areas and extent of technical assistance required by the State. This might include, for example, types of chemical analysis the State is not equipped to perform, but for which there is a need in the compliance monitoring phase of the program. To aid the State in their Public Notice procedure, the Regional Administrator will provide the State with a supply of all Federal NPDES application forms and effluent monitoring report forms.

Transmittal of Federal Data to the State

All relevant data and information compiled by the Regional Administrator, including but not limited to, (a) the Refuse Act applications and pertinent correspondence, (b) any NPDES applications and pertinent correspondence, and (c) any other information collected by the Regional Administrator which would be of assistance will be transmitted to the Executive Secretary within 30 days of approval of the State program.

Transmittal of Data to the Regional Administrator

The Executive Secretary shall submit to the Regional Administrator copies of all NPDES applications and any additional information requested from the applicant received after the State assumption of the NPDES program. Any request received from an applicant for confidential treatment of information contained in any NPDES form which the Executive Secretary considers valid must be forwarded to the Regional Administrator for concurrence. Within 30 days the Regional Administrator shall notify the Executive Secretary of concurrence or non-concurrence, or specify a further period for consideration and final determination.

The Regional Administrator shall have 30 days after receipt of an NPDES application of less than 50,000 gallons on every day of the year to identify it as a major discharge. The Regional Administrator shall also have 30 days after receipt of an NPDES application to declare the application incomplete and identify that information required to complete the application. If the Regional Administrator so notifies the Executive Secretary, the Executive Secretary shall require the applicant for such discharge to submit additional NPDES application forms or any other information requested by the Regional Administrator. The above periods of time shall run concurrently.

Information on industrial discharges into municipal sanitary sewers as required by 40 CFR 124.45(d) and (e) need not be routinely submitted (except as indicated below) to the Regional Administrator, but shall be available on a request basis. This information, however, shall be provided at the time the municipality applies for a construction grant. The Executive Secretary shall condition municipal wastewater permits so that any substantial change in volume or character, of pollutants from that being introduced into such treatment works at the time of issuance of the permit is reported to the Executive Secretary. The Executive Secretary in turn shall notify the Regional Administrator.

Input to National Data Bank

The State shall begin immediately upon program approval to operate the Management Information Control System (MICS) section of the national data system. Appropriate training in coding, updating, and inputting shall be provided by EPA staff.

The State will phase into the input/output of the Compliance Monitoring Code as soon as hardware capabilities and manpower are available to absorb this portion of the data program. Until that time, the EPA Region VII Computer Services Center will handle this input/output. Appropriate training in coding, updating, and inputting shall be provided by EPA staff.

The Regional Administrator can classify any self-monitoring report forms received as incomplete and shall notify the Executive Secretary of the violation of this provision of the permit in question.

The Environmental Protection Agency will continue the technical editing and inputting of the effluent parameters and technical information required by the inventory portion of the national data system (RAPP). At such time as the State has manpower and hardware available for this task, EPA will phase the State into RAPP. Appropriate training in coding, updating, and inputting shall be provided by EPA staff.

All output capabilities are immediately available to the State, and shall include training to staff in accessing the data banks. Retrievals from the national data bank shall be made by EPA, Washington, or by the Permit Branch in preparation of reports and statistics required by Headquarters.

Transmission to the Regional Administrator of Proposed NPDES Permits

At the time of public notice of permit pending, the Executive Secretary shall prepare and transmit to the Regional Administrator, (a) a copy of the public notice, (b) a copy of the draft permit, and (c) when appropriate, a fact sheet. The letter transmitting these documents to the Regional Administrator shall contain a statement certifying that it meets the most stringent EPA regulations and effluent guidelines (interim or final) or standards in force at the time of issuance.

Within the thirty (30) day public notice comment period, the Regional Administrator shall make any objections in writing to the issuance of such permit as being in non-compliance with the requirements of 40 CFR 124 Sub-parts D, E, F, and G, and in the absence of any such objection, the Executive Secretary can consider the proposed permit approved. If public comment and/or public hearings result in a modification of the proposed permit, the Executive Secretary shall notify the Regional Administrator of such modification and the Regional Administrator shall have fifteen (15) days after receipt of such notification in addition to the thirty (30) day review period provided above to review and object to the modifications in the proposed permit. This additional fifteen (15) day review period may be shortened in individual cases at the discretion of the Regional Administrator.

The Executive Secretary recognizes the requirement of the Act that all dischargers (except from publicly owned treatment works) achieve a level of treatment or control equal to or better than the best practicable treatment or control technology currently available by July 1, 1977, and discharges from publicly owned treatment works achieve a level of treatment or control equal to or better than that prescribed by secondary treatment standards by July 1, 1977.

It is the responsibility of the Executive Secretary to insure that all NPDES permits issued by the State conform with the plans required by Sections 303(e) and 208 of the Act. It is also the responsibility of the Executive Secretary in the development of abatement schedules for incorporation in NPDES permits issued to municipalities so far as possible without jeopardizing goals, objectives and provisions of the Missouri Clean Water Law and the Federal Water Pollution Control Act, to coordinate the dates thereby established with the availability of Federal construction grant funds.

Transmission to Regional Administrator of Issued NPDES Permits

The Executive Secretary shall transmit to the Regional Administrator a copy of each permit issued under the NPDES program immediately following issuance along with any and all terms, conditions, requirements, or documents which are a part of such permit or which affect the authorization of the discharge of pollutants.

The letter transmitting these documents to the Regional Administrator shall contain a statement certifying that it, at least, meets the most stringent EPA regulations and effluent guidelines (interim or final) or standards in force at the time of issuance. Conditions in addition to the above limitations may be included in the permit at the Executive Secretary's discretion.

Renewal or Revision of NPDES Permits

The procedures and working agreements set forth in this document apply not only to the issuance of NPDES permits by the State of Missouri, but also to the renewal or revision of NPDES permits. The Regional Administrator at any time during the duration of a State issued NPDES permit can request with cause a modification to the self-monitoring requirements contained in a State issued NPDES permit.

Major Discharges

The State agrees with assumption of the NPDES program to issue public notice of permit pending to dischargers designated as major dischargers by EPA within 90 days after final guidelines applicable to each major discharger have been published and the discharger's properly completed permit application is received by the State. Those major dischargers for which no guideline is expected will have the public notice issued within 90 days after assumption of the program and the discharger's properly completed permit application is received by the State.

The major dischargers list consists of 46 dischargers of which 19 have been issued permits or are exempt. It is not expected that the list would be changed by EPA after State assumption of the program.

Notice and Public Participation

The Clean Water Commission shall prepare draft permits and fact sheets, provide public notice and notice to other government agencies, where appropriate, public access to information as required by and in accordance with the requirements of Subpart D, titled "Notice and Public Participation" of 40 CFR 124, titled "State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System".

Federal Facilities

This agreement does not cover the issuance of NPDES permits to Federal facilities within the State of Missouri. It is understood by both parties that it is the intent of EPA to expressly retain the permit issuance authority for Federal facilities, but Missouri does not by this agreement, relinquish any right or authority it may possess to issue permits to Federal facilities.

Modifications to this Agreement

The procedures agreed to herein may be changed if necessary to affect compliance with Federal or State law or regulations or otherwise by mutual agreement of the Executive Secretary and the Regional Administrator, either of which may propose modifications as needed. These changes are subject to the approval by the EPA Administrator and the Executive Secretary.

The undersigned hereby certify that they have the authority to enter into such an agreement and to direct its implementation.

APPROVED:

March 29, 1974

Date



JEROME H. SVORE
REGIONAL ADMINISTRATOR
REGION VII
U.S. ENVIRONMENTAL PROTECTION AGENCY

APPROVED:

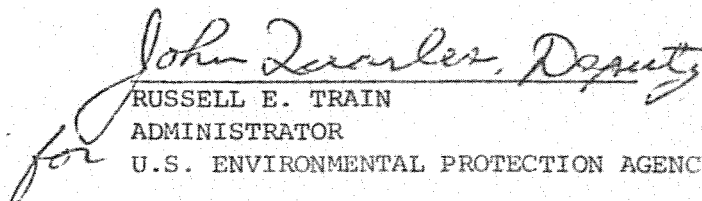
March 29, 1974



JACK K. SMITH
EXECUTIVE SECRETARY
MISSOURI CLEAN WATER COMMISSION

APPROVED:

OCT 30 1974



RUSSELL E. TRAIN
ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Region VII Recommendation for Approval of the
Missouri Request for NPDES Authority Under
FWPCAA Section 402(b) - ACTION MEMORANDUM
DATE: October 9, 1974

FROM: Jerome H. Svore, Regional Administrator, Region VII

TO: Russell Train, Administrator (A-100)
Attn: Alan G. Kirk II (EG-329)
Assistant Administrator for Enforcement and General Counsel

ISSUE

Should the Administrator approve Missouri's request for NPDES authority pursuant to Section 402(b) of the Federal Water Pollution Control Act Amendments of 1972?

DISCUSSION

On December 21, 1973, Governor Christopher S. Bond of Missouri requested delegation of authority to the State of Missouri to conduct the National Pollutant Discharge Elimination System (NPDES) pursuant to Section 402(b) of the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA). Copies of that request and other correspondence referred to herein are contained in the updated Missouri submission supporting the State's request which accompanies this action memorandum as Appendix 1.

On July 1, 1974, the Executive Branch of Missouri State Government was reorganized, and the Missouri Clean Water Commission was placed within the Missouri Department of Natural Resources. On August 13, 1974, I notified Mr. James L. Wilson, Director, Missouri Department of Natural Resources, that the Missouri submittal was complete as of August 1, 1974, and the 90-day review period provided to EPA by FWPCAA Section 402(c)(1) would begin, therefore, on that date.

On September 18, 1974, a public hearing was held in Jefferson City, Missouri, to consider the State's request. The hearing panel consisted of John B. Molloy, EPA Deputy Assistant Administrator for Water Enforcement; John H. Morse, Regional Counsel, Region VII; and Robert M. Lindholm, Assistant Missouri Attorney General. Public notice of the hearing was mailed to approximately 125 individuals and organizations (see Appendix 2 - Mailing List) and published in ten Missouri newspapers (see Appendix 2 - Proofs of Publication). A copy of the transcript of that hearing accompanies this action memorandum as Appendix 3.

RECOMMENDATION

Region VII Regional Counsel finds that the Missouri statutory authority and regulations promulgated pursuant thereto provide the requisite authority to establish and administer the NPDES program in Missouri as provided by FWPCA Section 402(b) and 40 CFR 124.

Based on the record of the September 18, 1974 public hearing, the Missouri submission, and the lack of negative response to the August 12, 1974 public notice, I recommend immediate delegation of NPDES authority to Missouri. The Missouri Clean Water Commission, Division of Environmental Control, Missouri Department of Natural Resources, is an aggressive and capable agency which has demonstrated both the desire and ability to conduct a successful NPDES program in the State of Missouri. A Protocol Working Agreement is also included as Appendix 4 for your approval.

DECISION OF THE ADMINISTRATOR

Approve: John Zewales

Disapprove: _____

Date: OCT 30 1974

DISPOSITION

A draft letter of approval to Governor Christopher S. Bond of Missouri (Appendix 5) has been prepared for the Administrator's signature. This letter should be executed and transmitted with the approved Protocol Working Agreement.

CONCURRENCE

Alan G. Kirk II

Assistant Administrator for Enforcement and General Counsel

Concur Alan G. Kirk II

Nonconcur _____

Date _____

Enclosures:

- Appendix 1 - Missouri submission
- Appendix 2 - Notice, Mailing List, and Proofs of Publication for
September 18, 1974 Public Hearing
- Appendix 3 - Transcript of September 18, 1974 Public Hearing
- Appendix 4 - Protocol Working Agreement
- Appendix 5 - Draft Letter of Approval from Administrator to Governor

CHRISTOPHER S. BOND
GOVERNOR

EXECUTIVE OFFICE
STATE OF MISSOURI
JEFFERSON CITY
December 21, 1973

Mr. Jerome H. Svore
Regional Administrator
Environmental Protection Agency
1735 Baltimore
Kansas City, Missouri 64108

Dear Mr. Svore:

At this time I am submitting a program description relative to PL 92-500 regarding the administration of the National Pollutant Discharge Elimination System Permit and related water pollution control programs by the State of Missouri.

This is officially to request your approval for the Missouri Clean Water Commission to issue permits for discharges to navigable waters of the United States, within the jurisdiction of the State of Missouri, pursuant to the provisions of the Federal Water Pollution Control Act and guidelines promulgated thereunder. I also request that you approve our permit program for the purposes of Section 306(c) (National Standards of Performance) and Section 308(c) (Inspections, Monitoring and Entry).

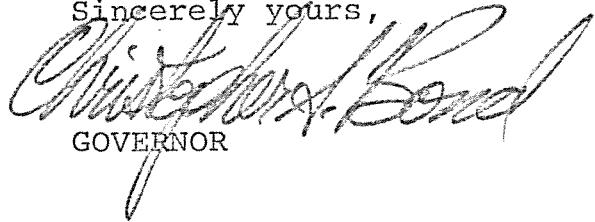
To insure that the Act will be implemented and enforced to the extent for which it was intended, the Missouri General Assembly enacted Senate Bill 321 which I signed into law and became effective on July 23, 1973, as Chapter 250, Section 204, Missouri Revised Statutes. The Commission has also proposed administrative regulations, pursuant to its rule making powers under Missouri law in order to meet the requirements of federal guidelines adopted under Sections 402, 304 (h) (2) and 303(e) of the Act.

In addition, I have already taken the necessary steps to increase staff and budget in our water pollution control program, in anticipation of receiving approval for state administration of the Act.

Mr. Jerome H. Svore
December 21, 1973
Page 2

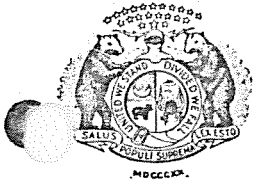
Your attention to this matter is sincerely appreciated,
and we look forward to working with you in the future to
make this permit program a success.

Sincerely yours,

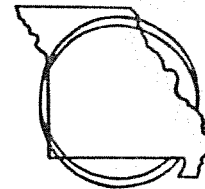
A handwritten signature in dark ink, appearing to read "Christopher S. Bond". The signature is written in a cursive, flowing style with a large initial "C".

GOVERNOR

CSB:mnc



MISSOURI CLEAN WATER COMMISSION
THE DEPARTMENT OF PUBLIC HEALTH AND WELFARE
1014 MADISON STREET, P. O. BOX 154
JEFFERSON CITY, MISSOURI 65101
TELEPHONE 314 751-3241



20.000

December 21, 1973

Mr. Jerome Svore
Regional Administrator
Environmental Protection Agency
1735 Baltimore Avenue
Kansas City, Missouri 64108

Dear Mr. Svore:

The membership of the Commission and staff have been examined for possible conflict of interest. As a result of this review one Commission member has resigned. An appointment for the vacancy will probably be made by Governor Bond in the near future. It is my belief that Commission and staff are free of conflict of interest.

Yours truly,

Jack K. Smith, P.E.
Executive Secretary
Missouri Clean Water Commission

JKS/fw

CC: Russell Train, Administrator
Environmental Protection Agency